

from the State of Illinois into the State of Texas, of quantites of Ourine Nasal Balm and Ourine Application for the Ears which were misbranded. The articles were labeled in part: "Prepared by Aurine Co. Chicago, Ill."

Analysis showed that the nasal balm consisted essentially of mineral oil containing small proportions of menthol and methyl salicylate colored with a green dye; and that the application for the ears consisted essentially of glycerin, boric acid, extracts of plant drugs, and volatile oils including oil of lavender.

The articles were alleged to be misbranded in that certain statements in the labeling regarding their therapeutic or curative effects falsely and fraudulently represented that they were effective to keep the nasal passages in a healthy condition and to cleanse the nose and to check catarrhal conditions; and effective as a treatment, remedy, and cure for head noises, partial deafness, running ear, and buzzing and ringing of ears due to nasal catarrh and infections of the Eustachian tubes and middle ear; and that the nasal balm was effective to keep the nasal passages clean and germ free.

On December 14, 1937, pleas of nolo contendere were entered on behalf of the defendants and the court imposed a fine of \$50 against each, a total of \$200.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28363. Misbranding of Protex. U. S. v. 105 Packages of Protex. Consent decree of condemnation and destruction. (F. & D. No. 40451. Sample No. 42947-C.)**

The label of this product contained false and fraudulent misrepresentations regarding its curative and therapeutic effects.

On October 8, 1937, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 105 packages of Protex at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about August 11 and 24, 1937, by the Tex Products Co. from Wheeling, W. Va., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of a small amount of a chlorine-liberating product in an effervescent base.

It was alleged to be misbranded in that the labeling contained false and fraudulent representations regarding its effectiveness in promoting health and in the treatment of vaginitis (inflammation of the vagina), metritis (inflammation of the neck of the womb), endometritis, or any of the following symptoms: Vaginal discharge, burning urine, backache, periodic headaches, nervousness, excitability, feeling of loneliness, dull pains in groin, loss of appetite, depleted energy, loss of weight, crinkly skin, lack of sexual desire, irregular or painful menstruation, premature menstruation, ulcers, cysts, ovarian disorders, enlarged or swollen womb, bladder disorders, irregularity at puberty or at menopause (change of life), low vitality, constipation, kidney and bladder disorders, dark, sallow complexion, pimples on face, neck and arms, languid, lifeless feeling, and other functional disturbances.

On January 28, 1938, the consignor having consented to the destruction of the product, it was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28364. Adulteration and misbranding of ether. U. S. v. 55 Cans of Ether. Default decree of condemnation and destruction. (F. & D. No. 40747. Sample Nos. 9630-C, 9642-C.)**

Samples of this product were found to contain peroxide.

On November 12, 1937, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 55 cans of ether at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about May 7, 1937, by the Mallinckrodt Chemical Works from St. Louis, Mo., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia, and its own standard of strength, quality, and purity was not stated on the container.

It was alleged to be misbranded in that the statement on the label, "Ether for anesthesia \* \* \* fully conforms to all requirements of the U. S. P. XI, "was false and misleading as applied to ether containing peroxide.

On December 13, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28365. Misbranding of Venus Tea. U. S. v. 210 Packages of Venus Tea. Default decree of condemnation and destruction. (F. & D. No. 40867. Sample No. 65504-C.)**

The labeling of this product bore false and fraudulent representations regarding its curative or therapeutic effect and false and misleading representations regarding its composition. The labeling also conveyed the impression that the product could be used with absolute safety; whereas it consisted essentially of senna leaves and when taken as directed, might be injurious.

On November 18, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 210 packages of Venus Tea at Trenton, N. J., alleging that the article had been shipped in interstate commerce on or about July 6, 1937, by the Maison Laboratories from Cleveland, Ohio, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Venus Tea \* \* \* Manufactured For Venus Tea Company, New York, N. Y."

Analysis showed that the article consisted essentially of senna leaves with small proportions of bladder wrack, chamomile flowers, calendula flowers, mint leaves, and couch grass. It contained no material derived from roots or barks.

The article was alleged to be misbranded in that the statements, "Venus Tea is composed of \* \* \* herbs, roots, leaves and barks," were false and misleading, since it contained no material derived from roots or barks. It was alleged to be misbranded further in that the following statements, borne on the carton, were false and misleading in that they created the impression that the article was a harmless and beneficial preparation, whereas it consisted essentially of senna leaves and when taken in accordance with the directions quoted, might be injurious; and for the further reason that the said statements were statements regarding the curative or therapeutic effects of the article and were false and fraudulent: (Carton) "Venus Tea is composed of non-injurious herbs, roots, leaves and barks, \* \* \* and is free from thyroid, chemicals and other mineral substances that frequently cause unsatisfactory results. Place one teaspoonful of Venus Tea into a cup of boiling water, let steep until cooled sufficiently to drink, \* \* \* Drink at least one cup of Tea three times daily instead of tea or coffee with your meals for best results; if desired, it may be taken between meals; however, best results are obtained by drinking it after meals. \* \* \* By using good judgment in eating, results will be realized more quickly. If fat meats, pastries, starchy foods, etc., are omitted from the diet, a satisfactory condition should soon be accomplished. \* \* \* Daily exercise taken consistently aids in speeding results. \* \* \* Taken so that three to four movements of the bowels occurs daily, no harmful effects result and much benefit can be derived from its constant use. Venus Tea helps Nature keep the body in a normal condition."

On December 28, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**28366. Adulteration and misbranding of Tam. U. S. v. The Tam Co., Inc. Plea of guilty. Fine, \$50. (F. & D. No. 38617. Sample Nos. 6451-C, 12929-C.)**

This product was represented to contain no drugs and to be composed entirely of natural laxative fruits; whereas it contained senna, a laxative drug. Its labeling bore false and fraudulent representations that it would produce normal elimination.

On September 30, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Tam Co., Inc., New York, N. Y., alleging that the defendant had sold to E. Fougere & Co., Inc., quantities of an article of drugs known as Tam under a guaranty that it was not adulterated or misbranded in violation of the Food and Drugs Act; that the said drug